

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

HENRY J. LEWIS)	
)	
COMPLAINANT)	
)	
v.)	CASE NO. 2005-00035
)	
SOUTH EASTERN WATER)	
ASSOCIATION, INC.)	
)	
DEFENDANT)	

ORDER TO SATISFY OR ANSWER

South Eastern Water Association, Inc. ("South Eastern") is hereby notified that it has been named as defendant in a formal complaint filed on January 18, 2005, a copy of which is attached hereto.

Pursuant to 807 KAR 5:001, Section 12, South Eastern is HEREBY ORDERED to satisfy the matters complained of or file a written answer to the complaint within 10 days from the date of service of this Order.

Should documents of any kind be filed with the Commission in the course of this proceeding, the documents shall also be served on all parties of record.

Done at Frankfort, Kentucky, this 25th day of January, 2005.

ATTEST

Executive Director

By the Commission

RECEIVED

JAN 19 2005

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED
JAN 18 2005
PUBLIC SERVICE
COMMISSION

In the matter of:

HENRY J. Lewis
(Your Full Name)

COMPLAINANT

VS.

SOUTH EASTERN WATER ASSOCIATION
(Name of Utility)

DEFENDANT

Case 2005-00035

COMPLAINT

The complaint of Henry J. Lewis respectfully shows:
(Your Full Name)

(a) Henry J. Lewis
(Your Full Name)

12061 NE TAYLOR ST SOMERSET, KY 42503
(Your Address)

(b) SOUTH EASTERN WATER ASSOCIATION
(Name of Utility)

147 EAST SOMERSET CHURCH ROAD SOMERSET, KY 42503
(Address of Utility)

(c) That: The This water association has me charged with over
of 42,100 gallons of water and have no idea how much water I have used
The water that they have me charged with did not even go through my
line into my house. I have no idea how much water I have used
been at my house constantly. So I am not my tap water and I am
not in a house. I am a 75 year old man, and I live by myself
I have very little company. This water bill, which is the only
and the beginning was \$275.33. I do not know how it is now 299.82.
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Formal Complaint

Henry J Lewis vs. South Eastern water association

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do not owe this bill, so I think the water

Wherefore, complainant asks Shouldn't pay my B.Ds. Another
(Specifically state the relief desired.)

Bill me for that amount; which is an
average of 19.25 per month This would mean
I would owe the water 19.25, plus a
late charge

Dated at Lexington, Kentucky, this 14 day
(Your City)

of Jan, 2005
(Month)

Henry J Lewis
(Your Signature)

NONE
(Name and address of attorney, if any)

807 KAR 5:001. Rules of procedure.

Section 12. Formal Complaints.

(1) **Contents of complaint.** Each complaint shall be headed "Before the Public Service Commission," shall set out the names of the complainant and the name of the defendant, and shall state:

(a) The full name and post office address of the complainant.

(b) The full name and post office address of the defendant.

(c) Fully, clearly, and with reasonable certainty, the act or thing done or omitted to be done, of which complaint is made, with a reference, where practicable, to the law, order, or section, and subsections, of which a violation is claimed, and such other matters, or facts, if any, as may be necessary to acquaint the commission fully with the details of the alleged violation. The complainant shall set forth definitely the exact relief which is desired (see Section 15(1) of this administrative regulation).

(2) **Signature.** The complaint shall be signed by the complainant or his attorney, if any, and if signed by such attorney, shall show his post office address. Complaints by corporations or associations, or any other organization having the right to file a complaint, must be signed by its attorney and show his post office address. No oral or unsigned complaints will be entertained or acted upon by the commission.

(3) **Number of copies required.** At the time the complainant files his original complaint, he must also file copies thereof equal in number to ten (10) more than the number of persons or corporations to be served.

(4) Procedure on filing of complaint.

(a) Upon the filing of such complaint, the commission will immediately examine the same to ascertain whether it establishes a prima facie case and conforms to this administrative regulation. If the commission is of the opinion that the complaint does not establish a prima facie case or does not conform to this administrative regulation, it will notify the complainant or his attorney to that effect, and opportunity may be given to amend the complaint within a specified time. If the complaint is not so amended within such time or such extension thereof as the commission, for good cause shown, may grant, it will be dismissed.

(b) If the commission is of the opinion that such complaint, either as originally filed or as amended, does establish a prima facie case and conforms to this administrative regulation, the commission will serve an order upon such corporations or persons complained of under the hand of its secretary and attested by its seal, accompanied by a copy of said complaint, directed to such corporation or person and requiring that the matter complained of be satisfied, or that the complaint be answered in writing within ten (10) days from the date of service of such order, provided that the commission may, in particular cases, require the answer to be filed within a shorter time.

(5) **Satisfaction of the complaint.** If the defendant desires to satisfy the complaint, he shall submit to the commission, within the time allowed for satisfaction or answer, a statement of the relief which he is willing to give. Upon the acceptance of this offer by the complainant and the approval of the commission, no further proceedings need be taken.

(6) **Answer to complaint.** If satisfaction be not made as aforesaid, the corporation or person complained of must file an answer to the complaint, with certificate of service on other parties endorsed thereon, within the time specified in the order or such extension thereof as the commission, for good

cause shown, may grant. The answer must contain a specific denial of such material allegations of the complaint as controverted by the defendant and also a statement of any new matter constituting a defense. If the answering party has no information or belief upon the subject sufficient to enable him to answer an allegation of the complaint, he may so state in his answer and place his denial upon that ground (see Section 15(2) of this administrative regulation).

807 KAR 5:001. Rules of procedure.

Section 15. Forms.

(1) In all practice before the commission the following forms shall be followed insofar as practicable:

- (a) Formal complaint.
- (b) Answer.
- (c) Application.
- (d) Notice of adjustment of rates.
- (2) Forms of formal complaint.
- (3) Form of answer to formal complaint.
- (4) Form of application.
- (5) Form of notice to the commission of adjustment of rates

Before the Public Service Commission

(Insert name of complainant)
Complainant

vs.

(Insert name of each defendant)
Defendant

)
)
) No. _____
) (To be inserted by
) the secretary
)
)

COMPLAINT

The complaint of (here insert full name of each complainant) respectfully shows:

(a) That (here state name, occupation and post office address of each complainant).

(b) That (here insert full name, occupation and post office address of each defendant).

(c) That (here insert fully and clearly the specific act or thing complained of, such facts as are necessary to give a full understanding of the situation, and the law, order, or rule, and the section or sections thereof, of which a violation is claimed).

WHEREFORE, complainant asks (here state specifically the relief desired).

Dated at _____, Kentucky, this _____ day
of _____, 19 _____.

(Name of each complainant)

(Name and address of attorney,
if any)